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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,271	06/07/2001	Ah Hwee Tan	455392001200	4593

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MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 300  
MCLEAN, VA 22102

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/875,271

Applicant(s)

TAN, AH HWEE

Examiner

Cindy Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This is in response to application filed on 06/07/01 in which claims 1-53 are presented for examination.

#### **1. *Priority(IDS)***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 06/07/01 on 09/875271. It is noted, however, that applicant has not filed a certified copy of the priority # 200003177-3 application as required by 35 U.S.C. 119(b).

#### **2. *Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### **3. *Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains legal language such as "comprising". Also because, the abstract is consisted of a single sentence. Correction is required.

**4. *Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 19-21, 42, 47-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear to the Examiner, what is meant by "resonance associative map".

It is not clear to the Examiner, what is meant by "baseline vigilance parameter".

**5. *Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claims 1-18, 22-46 and 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (U.S 5754938) (Herz).**

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Regarding claims 1 and 27, Herz disclose: a method of organizing information into a plurality of classes or clusters with a user-configurable information clustering system comprising:

a) grouping units of information into clusters based on similarities to create a cluster structure (col. 22, lines 65-col. 23, lines 10, Herz); and

b) personalizing said cluster structure according to user knowledge and preferences (col. 17, lines 15-44, Herz).

In addition, Herz disclose: a user interface (col. 7, lines 57-60, Herz);

A knowledge base for storing said cluster structure (col. 32, lines 34-44, Herz).

Regarding claims 2 and 28, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein said grouping units of information into clusters is carried out automatically to create a machine-generated cluster structure (col. 24, lines 2-67, Herz).

Regarding claims 3 and 29, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein said personalizing comprises creating at least one new information cluster (col. 24, lines 13-18, Herz).

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Regarding claims 4, 8, 30 and 35, most of the limitations of these claims have been noted in the rejection of claims 1, 3, 27 and 29 above, respectively. In addition, Herz disclose: wherein said personalizing further comprises labeling each information cluster (col. 24, lines 2-10, Herz).

Regarding claims 5, 9, 31 and 36, most of the limitations of these claims have been noted in the rejection of claims 1, 4, 27 and 30 above, respectively. In addition, Herz disclose: wherein said personalizing further comprises merging information clusters (col. 7, lines 35-39, Herz).

Regarding claims 6, 10, 32 and 37, most of the limitations of these claims have been noted in the rejection of claims 1, 5, 27 and 31 above, respectively. In addition, Herz disclose: wherein said personalizing further comprises splitting at least one information cluster (col. 24, lines 12-18, Herz).

Regarding claims 7, 11, 33 and 38, most of the limitations of these claims have been noted in the rejection of claims 1, 6, 27 and 32 above, respectively. In addition, Herz disclose: wherein said personalizing further comprises storing said cluster structure in a knowledge base (col. 32, lines 34-44, Herz).

Regarding claims 23, all of the limitations of this claim have been noted in the rejection of claims 1, 4, 5 and 6 above. It is therefore rejected as set forth above.

Regarding claims 25, 50 and 52, all of the limitations of these claims have been noted in the rejection of claims 1, 4, 5, 6 and 7 above. In addition, Herz disclose: retrieving said cluster

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structure initializing the information clustering system using said retrieved cluster structure (col. 25, lines 22-31, Herz); and analyzing new clusters, wherein said clusters are grouped according to the user's preferences (col. 24, lines 13-18, Herz).

Regarding claims 12, 24, 26, 40, 51 and 53, most of the limitations of these claims have been noted in the rejection of claims 1, 23, 25, 27, 50 and 53 above, respectively. In addition, Herz disclose: wherein said information comprises text, image, audio, video or any combination thereof (col. 29, lines 22-24, Herz).

Regarding claims 13 and 42, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein said user-configurable information clustering system comprises an adaptive resonance associative map (col. 12, lines 41-45, Herz).

Regarding claims 14 and 41, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein said user-configurable information clustering system incorporates user knowledge and preferences for information clustering (col. 17, lines 15-44, Herz).

Regarding claims 15, all of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz disclose: wherein said user-configurable information clustering system further comprises a user interface (col. 7, lines 57-60, Herz).

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Regarding claims 16 and 44, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein each of said units of information is represented by an information vector (col. 23, lines 31-41, Herz).

Regarding claims 17 and 45, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein a user-preferred information grouping is represented by a preference vector (col. 23, lines 31-41, Herz).

Regarding claims 18 and 46, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz disclose: wherein said units of information are grouped into classes or clusters based on a similarity function (col. 22, lines 65 to col. 23, lines 10, Herz).

Regarding claims 22, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz disclose: further comprising retrieving said cluster structure to initialize said user-configurable information clustering system prior to clustering new information (col. 25, lines 22-31, Herz).

Regarding claims 34 and 39, most of the limitations of these claims have been noted in the rejection of claims 33 and 27 above, respectively. In addition, Herz disclose: wherein said



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personalization module further comprises means for retrieving the cluster structure from said knowledge base (col. 34, lines 28-35, Herz).

Regarding claims 43, most of the limitations of this claim have been noted in the rejection of claim 27 above. In addition, Herz disclose: wherein said user interface permits graphical visualization of said information clusters (col. 29, lines 22-38, Herz).

### **7. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**8. Claims 19-21 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (U.S 5754938) (Herz) in view of Register et al. (U.S 5371807) (Register).**

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Regarding claims 19 and 47, most of the limitations of these claims have been noted in the rejection of claims 18 and 46 above, respectively. However, Herz didn't disclose: wherein said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter. On the other hand, Register disclose: wherein said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter (col. 9, lines 25-40, Register). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter in the system of Herz as taught by Register. The motivation being to enable the user controls and organizes the similarity information groupings in cluster structure for future use.

Regarding claims 20 and 48, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Register disclose: further comprising indication by a user of a preference for a lower baseline vigilance parameter by selecting at least one unit of information from each of at least two clusters wherein the selected units of information are deemed by the user to be similar to each other (col. 10, lines 44-58, Register).

Regarding claims 21 and 49, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Register disclose: further comprising indication by a user of a preference for a higher baseline vigilance parameter by

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selecting at least two units of information in a cluster, wherein said units of information are deemed by the user to be dissimilar to each other (col. 8, lines 60 to col. 9, lines 20, Register).

**9. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*  
Cindy Nguyen  
June 25, 2003

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**